

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ANDERS ALM, WILHELMUS P.J. APPEL, HERNAN :
ARBER, JASON BAPTISTE, GABRIEL P. :
BAPTISTELLA, CORNELIS P. BOELE, GRAHAM :
BROWN, QINGNING CAO, KERRY CHEN, MARK T. :
CHERALLA, JONATHAN S. DALE, NGUYEN Q. DAT, :
PETER DAVIDA, KERRY FLANNAGAN, TIMOTHY D. :
FRANKLIN, MATTHEW G. GOSWICK, JASPER :
GRITTER, ADRIANUS J. HEIJLIGERS, DANIEL :
HILDERMAN, IRVIN HOOGLAND, TOMAS :
ILLØKKEN, ANDERS JOHNSTGAARD, BORUT :
KOLARIC, SIMON KORAK, JAN W. KORT, ELIOT :
LEIGH, TIM MAK, MAURICE J. MARTINEZ, :
MIRACLE N. OCHOMMA, KAI Y. OOI, SMITA :
PANCHAL, EVA PAPADOPOULO, HAN M. PENG, :
ALISON PIKE, LUKE PORTER, KAINAN QU, ANKUR :
RAKSHIT, HENRIK M. RAUTIO, DANIEL C. :
REYNOLDS, HARRO RIEDSTRA, SEVER A. ROCSIN, :
LOEK ROSENBAUM, IGOR L. SAN MARTIN, :
ROLAND R. SCHUTTE, KAREL SEGERS, LEONID :
SHAPIRO, JAMES SPOKOINI, NATASHA STEWART, :
AMY SYED, KEN H. TEOH, NICHOLAS TSUI, SAREL :
J. VENTER, JACQUELINE WALLIN, GREGOR A. :
WALLNER, IDY D. WATT, MAURICE WEISZ, :
ZACHARY WILDES, NAOR YEHUDAEY, CHARLES :
YOON, CRAIG YOUNG, :

Plaintiffs,

-against-

JEREMY SPENCE, JOHN DOE NO. 1 a/k/a
BLACKXANTUS,

Defendants.

JUDGMENT

19 Civ. 4005 (GBD) (RWL)

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GEORGE B. DANIELS, United States District Judge:

WHEREAS, on October 28, 2020, this Court granted default judgment against Defendant Jeremy Spence and referred this matter to Magistrate Judge Robert W. Lehrburger to conduct an inquest on damages, (Default J., ECF No. 24);

WHEREAS, on May 11, 2022, Spence was sentenced to 42 months in prison and ordered to pay restitution in the amount of \$2,847,743, *United States v. Spence*, 21-CR-116 (S.D.N.Y. May 17, 2022); (*see also* Memo Endorsement, ECF No. 27);

WHEREAS, 33 Plaintiffs had either their claims fully extinguished by the restitution order or expressed desire to dismiss their claims against Spence, (*see* Third Brennan Letter, ECF No. 42, at 2);

WHEREAS, eight Plaintiffs failed to appear and prosecute their case after the withdrawal of counsel, (*see* Dec. 15, 2022 Report and Recommendation (the “Report”), ECF No. 43, at 19; Third Brennan Letter at 2);

WHEREAS, a total of 19 Plaintiffs that remain (“Recovering Plaintiffs”) are due damages in the inquest of damages (identified in the attached Exhibit A);

WHEREAS, on December 15, 2022, Magistrate Judge Lehrburger recommended that Recovering Plaintiffs be awarded (1) a total of \$418,687.78, (2) pre-judgment interest at the statutory rate of 9% starting from November 28, 2018, as calculated by the Clerk of Court, (3) \$695 in costs, and (4) post-judgment interest at the statutory rate as calculated by the Clerk of Court, (Report at 19);

WHEREAS, Magistrate Judge Lehrburger recommended dismissing without prejudice the cases of the 33 Plaintiffs whose claims were fully extinguished by the Restitution Order or have not further prosecuted their claims in this action, and the cases of the eight Plaintiffs who have failed to prosecute their cases by failing to appear after withdrawal of counsel, (*id.*);

WHEREAS, on June 13, 2023, this Court adopted the Report of Magistrate Judge Lehrburger on the inquest of damages with minor modifications of Plaintiff Charles Yoon’s

damages to \$46,815.38 and the total sum of Recovering Plaintiffs' damages to \$418,657.78, (Mem. Decision and Order, ECF No. 45).

NOW, THEREFORE, IT IS HEREBY

ORDERED that the Plaintiffs identified in the attached Exhibit A are awarded individual judgments for damages as set forth in Exhibit A; and it is

ORDERED that pre-judgment interest is awarded at the statutory rate of 9% per annum starting from November 28, 2018 to the date of judgment as calculated by the Clerk of Court; and it is

ORDERED that the \$695 in costs is awarded; and it is

ORDERED that post-judgment interest is awarded at the statutory rate as calculated by the Clerk of the Court; and it is

ORDERED that the cases of the 33 Plaintiffs (Anders Alm, Wilhelmus P.J. Appel, Hernan Arber, Jason Baptiste, Gabriel P. Baptistella, Qingning Cao, Jonathan S. Dale, Peter Davida, Matthew G. Goswick, Jasper Gritter, Adrianus J. Heijligers, Daniel Hilderman, Borut Kolaric, Simon Korak, Jan W. Kort, Eliot Leigh, Miracle N. Ochomma, Kai Y. Ooi, Smita Panchal, Han M. Peng, Alison Pike, Henrik M. Rautio, Loek Rosenbaum, Igor L. San Martin, Karel Segers, Leonid Shapiro, James Spokoini, Natasha Stewart, Ken H. Teoh, Nicholas Tsui, Jacqueline Wallin, Gregor A. Wallner, and Idy D. Watt) whose claims were fully extinguished by the Restitution Order or have not further prosecuted their claims in this action are dismissed without prejudice; and it is


ORDERED that the cases of the eight Plaintiffs (Graham Brown, Kerry Flannagan, Irvin Hoogland, Tomas Illøkken, Anders Johnsgaard, Daniel C. Reynolds, Sarel J. Venter, and Maurice

Weisz) who have failed to prosecute their cases by failing to appear after withdrawal of counsel are dismissed without prejudice.

The Clerk of Court is directed to close the above-captioned case.

Dated: June 13, 2023
New York, New York

SO ORDERED.



GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE

The amount of the pre-judgment interest at 9% is \$171,156.48.

The post-judgment interest rate as of the date of Judgment is 5.164%.

RUBY J. KRAJICK
CLERK OF COURT

BY



Deputy Clerk

June 15, 2023

EXHIBIT A

| | Plaintiff | Spence Funds | EverMarkets ICO | Total Individual Judgment Amount |
|----|----------------------|---------------------|----------------------------|---|
| 1 | Boele, Cornelis P. | \$15,723.27 | | \$15,723.27 |
| 2 | Chen, Kerry | \$41,342.05 | | \$41,342.05 |
| 3 | Cheralla, Mark T. | \$11,347.19 | | \$11,347.19 |
| 4 | Dat, Nguyen Q. | \$8,852.27 | | \$8,852.27 |
| 5 | Franklin, Timothy D. | | \$3,025.85 | \$3,025.85 |
| 6 | Mak, Tim | | \$16,884.36 | \$16,884.36 |
| 7 | Martinez, Maurice J. | \$45,924.39 | | \$45,924.39 |
| 8 | Papadopoulo, Eva | \$34,842.65 | | \$34,842.65 |
| 9 | Porter, Luke | \$2,315.15 | | \$2,315.15 |
| 10 | Qu, Kainan | \$2,067.10 | | \$2,067.10 |
| 11 | Rakshit, Ankur | \$118,945.92 | | \$118,945.92 |
| 12 | Riedstra, Harro | \$22,260.05 | | \$22,260.05 |
| 13 | Rocsin, Sever A. | \$24,709.53 | | \$24,709.53 |
| 14 | Schutte, Roland R. | | \$1,876.04 | \$1,876.04 |
| 15 | Syed, Amy | \$3,127.54 | | \$3,127.54 |
| 16 | Wildes, Zachary | \$16,447.35 | | \$16,447.35 |
| 17 | Yehudaey, Naor | | \$1,231.58 | \$1,231.58 |
| 18 | Yoon, Charles | \$44,959.48 | \$1,855.90 | \$46,815.38 |
| 19 | Young, Craig | | \$920.11 | \$920.11 |
| | TOTAL | \$392,863.94 | \$25,793.84 | \$418,657.78 |